IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.256 OF 2007

Sumit Mohan Patole ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri A.P.Mundargi with Shri S.R.Mithare, advocates for the Applicant.
Shri Y.S.Shinde, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 5th March, 2007.

P.C.:

1. Heard Mr.Ashok P. Mundargi, the learned counsel for the applicant and Mr.Shinde, the learned APP for the State. Perused the police papers.

2. The present applicant seeks to be released on bail in crime no.14 of 2006 registered with Gaganbawda police station, Kolhapur for the offence punishable under Section 302 of the I.P.C.

3. Prosecution case in brief, is that on 7-7-2006 one Tukaram Kamble was grazing cattle and he saw a deadbody of a girl and accordingly, he informed the police on the basis of which accidental death being A.D.No.8 of 2006 came to be registered. Inquest panchanama came to be prepared. It was revealed to be a

deadbody of a girl namely Velrina daughter of Peter D'Souza, aged about 19 years. It was revealed that she was in love with the present accused, when they were living at Ichalkaranji in Kolhapur District. Shortly before the incident of this case, she had come to Bombay in search of a job and was living at the house of her cousin Joseph, who is working in the police department. On 21-6-2006 the accused had come there and Velrina had informed wife of Joseph that he is a cousin. She left the house alongwith the accused again on 30th June, 2006 at about 11.30 a.m. alongwith the same boy aged about 22-24 years. After that she never came back and on 7-7-2006 her dead body was found. On 8-7-2006 one more panchanama was prepared at a short distance from the place where dead body was found and at that place number of documents and papers were found which were connected with the present applicant Thereafter, identity of the present applicant came to be established and he was arrested. Number of witnesses claim to have seen the present applicant alongwith the deceased from 30th June, 2006 till 7th July, 2006 and as pointed out above, at a short distance from the dead body, several documents and papers were found. Those documents were of the present applicant indicating that the applicant was at the spot of the incident. It is true that no recovery was made on the basis of information given by the present

applicant nor any blood stains were found on his clothes. P.M.Report reveals that Velrina had died because of the head injury. From this it appears that she died homicidal death and the present applicant was last seen with her. The whole case is based on the circumstantial evidence. Charge-sheet is already filed and the case is also committed to the Court of Sessions and the charge is also framed. In such circumstances, the trial may commence at the earliest. If the bail is granted at this stage, possibility of tampering with the prosecution evidence can not be ruled out. Therefore, in my opinion, it will not be desirable to grant bail to the present applicant.

4. Therefore, the application stands rejected. The trial Court shall expedite the trial and dispose off the matter as early as possible.

(J.H.Bhatia,J.)